

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

IN THE MATTER OF:

The UNOCAL Guadalupe Oil  
Field, "Leroy 2" Area,  
San Luis Obispo County,  
California

Respondent:

Unocal Corporation, a Delaware  
Corporation

ADMINISTRATIVE ORDER FOR  
EMERGENCY REMOVAL/RESPONSE  
ACTIVITIES

DOCKET NO. 96-03

Sections 311(c)&(e) of the  
Clean Water Act, 33 U.S.C.  
§§ 1321(c)&(e).

1. JURISDICTION AND GENERAL PROVISIONS

1.1 This Administrative Order ("Order") is issued pursuant to the authority vested in the President of the United States by Sections 311(c) & (e) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1321(c) & (e), as amended by the Oil Pollution Act of 1990 ("OPA"), Pub. Law 101-380 (Aug. 18, 1990), and the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12777, 58 Federal Register 54757 (Oct. 22, 1991). The authority vested in the Administrator pursuant to the CWA has been further delegated to the Regional Administrators by EPA Delegation No. 2-85, dated January 19, 1993.

1.2 This Order pertains to a discharge of oil which is occurring from sump in the area known as "Leroy 2," and related contamination, within the South Beach Area of the Unocal Guadalupe Oil Field, located in San Luis Obispo County, California (the "Leroy 2 Site"). This Order requires the Unocal Corporation ("UNOCAL," or the "Respondent") to conduct removal actions described herein to abate or mitigate an imminent and substantial threat to the public health or welfare of the United

1 States that may be presented by the actual or threatened release  
2 of a harmful quantity of oil from the Leroy 2 Site.

3  
4 1.3 Subject to the terms as set forth herein, Respondent agrees  
5 to comply with and be bound by the terms and conditions of this  
6 Order, including performance of the removal action. Respondent  
7 further agrees that it will not contest EPA's authority and/or  
8 jurisdiction to enter into, issue or enforce any of the terms of  
9 this Order.

10  
11 1.4 EPA has notified the State of California of this action  
12 pursuant to Section 311(e)(1)(B) of the CWA, 33 U.S.C.  
13 § 1321(e)(1)(B).

14  
15 1.5 This Order applies to and is binding upon Respondent and its  
16 successors and assigns. Any change in ownership or corporate  
17 status of Respondent shall in no way alter Respondent's  
18 responsibilities under this Order.

19  
20 1.6 Respondent shall ensure that each of its contractors,  
21 subcontractors, and representatives involved in any activities  
22 undertaken to carry out this Order receives a copy of this Order  
23 and complies with this Order. Respondent shall be responsible  
24 for any noncompliance with this Order.

25  
26  
27 **2. FINDINGS OF FACT**

28  
29 2.1 As of October 30, 1995, a discharge of oil from the Leroy 2  
30 Site had reached the Santa Maria River, which is a navigable  
31 water of the United States. The oil from this onshore facility  
32 poses a substantial threat of continued discharge of oil to the  
33 Santa Maria River and to the Pacific Ocean.

34  
35 2.2 This discharge and substantial threat of continued discharge  
36 from the Leroy 2 Site constitutes an imminent and substantial  
37 threat to public health and welfare of the United States,  
38 including endangered species as well as other fish, shellfish,  
39 and wildlife, public and private property, shorelines, beaches,  
40 the habitat of endangered and other species, and other living and  
41 nonliving resources of the United States.

42  
43 2.3 Respondent operates the onshore facility known as the  
44 Leroy 2 Site, which is part of the Guadalupe Oil Field operated  
45 by the Respondent.

1     **3. CONCLUSIONS OF LAW AND DETERMINATIONS**

2  
3         Based on the Findings of Fact set forth above, and the  
4     Administrative Record supporting this removal action, EPA has  
5     determined that:

6  
7     3.1   The Leroy 2 Site is an "onshore facility," as defined in  
8     Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10).

9  
10    3.2   Respondent is an "owner or operator," as defined by Section  
11    311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6).

12  
13    3.3   Respondent is a "person," as defined by Section 311(a)(7) of  
14    the CWA, 33 U.S.C. § 1321(a)(7).

15  
16    3.4   The incident described in the Statement of Facts is a  
17    "discharge," and presents a substantial threat of a "discharge,"  
18    as defined in Section 311(a)(2) of the CWA, 33 U.S.C.  
19    § 1321(a)(2).

20  
21    3.5   The incident described in the Statement of Facts is a  
22    discharge, and substantial threat of discharge, into or upon a  
23    navigable water of the United States and an adjoining shoreline.

24  
25    3.6   The quantity of oil discharged, and which may be discharged,  
26    from the Leroy 2 Site is a harmful quantity within the meaning of  
27    Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), and 40  
28    C.F.R. § 110.3, because the discharge and threat of discharge has  
29    caused, and may cause, a film or sheen upon or a discoloration of  
30    the surface of the water and adjoining shorelines, and a sludge  
31    or emulsion to be deposited beneath the surface of the water or  
32    adjoining shorelines.

33  
34    3.7   The discharge is a violation of Section 311(b) of the CWA,  
35    33 U.S.C. § 1321(b), because a harmful quantity of oil has been  
36    emitted and may be emitted from the Leroy 2 Site into and upon  
37    the navigable waters of the United States and adjoining  
38    shorelines, and because the discharge has affected or may affect  
39    natural resources belong to, appertaining to, or under the  
40    exclusive management authority of the United States.

41  
42    3.8   The removal actions required by this Order are necessary to  
43    protect the public health and welfare of the United States,  
44    including fish, shellfish, and wildlife; public and private  
45    property; shorelines; beaches; habitat; and other living and  
46    nonliving natural resources under the jurisdiction or control of  
47    the United States.

1     **4. ORDER**

2  
3         Based upon the foregoing Findings of Fact, Conclusions of  
4 Law and Determinations, and the Administrative Record, EPA hereby  
5 orders that the Respondent comply with the following provisions,  
6 including all documents, schedules, and deadlines incorporated by  
7 reference into this Order.

8  
9     4.1 Respondent is hereby ordered to follow the terms set forth  
10 in this order and perform the work described herein.

11  
12     4.2 Respondent shall carry out the removal actions required by  
13 this Order within the dates specified herein.

14  
15     4.3 Respondent shall perform all actions required by this Order  
16 in accordance with the requirements of the National Oil and  
17 Hazardous Substances Pollution Contingency Plan ("NCP"), as  
18 amended, 40 C.F.R. Part 300, the CWA, and the OPA, as well as the  
19 requirements of all other applicable Federal, state, and local  
20 law.

21  
22     4.4 Commencing immediately upon the effective date of this  
23 Order, Respondent shall:

24  
25         1) Control the discharge of oil from the Leroy 2 Site,  
26 preventing further discharge into the Santa Maria River.

27  
28         2) Submit a draft Work Plan to EPA which describes Unocal's  
29 intended course of action to mitigate and remove of the source of  
30 the discharge at the Leroy 2 Site, including a schedule for  
31 implementation of all of the actions contemplated by the plan.  
32 EPA may approve, disapprove, require additions or revisions to,  
33 or modify the draft Work Plan. If EPA requires additions or  
34 revisions to the draft Work Plan, Respondent shall submit a  
35 revised version within the time allotted by the EPA.

36  
37     4.5 Upon EPA approval of the Work Plan, the Work Plan shall be  
38 deemed incorporated into this Order and shall be fully  
39 enforceable under this Order. Respondent shall immediately  
40 commence implementing the Work Plan removal activities, following  
41 the schedule for implementation specified by the Work Plan.

42  
43     4.6 Respondent shall, prior to any off-site shipment of oil,  
44 oil-contaminated soil, or oil-contaminated water, provide written  
45 notification of such shipment to the EPA On-Scene Coordinator  
46 ("EPA OSC"), the Oil Spill Prevention and Response agency of the  
47 California Department of Fish and Game ("OSPR"), and the Regional  
48 Water Quality Control Board for the California Central Coast  
49 ("RWQCB"). The notification shall include: (1) the name and  
50 location to which the materials will be shipped; (2) the type and

1 quantity of the materials to be shipped; (3) the expected  
2 schedule for shipping; and (4) the method of transportation to be  
3 used. Respondent shall also notify the EPA OSC, OSPR, and the  
4 RWQCB of any changes to this information. All such off-site  
5 shipments shall be transported, stored, and disposed of in  
6 accordance with all applicable U.S. Department of Transportation  
7 regulations, the NCP, and all other applicable Federal, state,  
8 and local laws and regulations.  
9

10 4.7 Respondent shall not commence or undertake any removal  
11 actions at the Leroy 2 Site without prior EPA approval during the  
12 pendency of this Order.  
13

#### 14 5. ENDANGERMENT AND EMERGENCY RESPONSE

15  
16 5.1 In the event that any action performed by Respondent  
17 pursuant to this Order causes an actual discharge or substantial  
18 threat of a discharge of oil or a release of a hazardous  
19 substance, or presents an immediate threat to public health,  
20 welfare or the environment, Respondent shall immediately take all  
21 appropriate action to prevent, abate, or minimize the threat or  
22 actual discharge or release, in consultation with EPA and in  
23 accordance with all applicable provisions of this Order.  
24 Respondent shall also immediately telephone the EPA OSC at (415)  
25 744-2291 and the National Response Center ("NRC") at (800) 424-  
26 8802, and shall provide a written notification to the EPA within  
27 twenty-four (24) hours of the verbal notification.  
28  
29

30 5.2 Within seven (7) days after providing verbal notification,  
31 Respondent shall submit a written report to EPA, OSPR, and the  
32 RWQCB, setting forth the events that occurred and the measures  
33 taken or to be taken to mitigate any release, to mitigate any  
34 endangerment caused or threatened by the release, and to prevent  
35 the reoccurrence of such a release.  
36

37 5.3 The reporting requirements set forth in this Section are in  
38 addition to, not in lieu of, any applicable reporting  
39 requirements of Section 311(b)(5) of the CWA, 33 U.S.C.  
40 § 1321(b)(5); Section 304 of the Emergency Planning and Community  
41 Right-to-Know Act of 1986, 42 U.S.C. § 11004; or any other  
42 Federal, state, or local law.  
43

44 5.4 Nothing in the preceding paragraphs shall be deemed to limit  
45 any authority of the United States to take, direct, or order all  
46 appropriate action to protect human health and the environment or  
47 to prevent, abate, or minimize an actual or threatened discharge  
48 of oil or hazardous substances at or from the Facility.  
49  
50

1     **6.    AUTHORITY OF THE EPA ON-SCENE COORDINATOR**

2  
3     6.1   The EPA OSC shall be responsible for overseeing the proper  
4     and complete implementation of this Order.  The EPA OSC shall  
5     have the authority vested in an OSC by the NCP, 40 C.F.R.  
6     § 300.120, and the authority contained in Section 311(c) of the  
7     CWA, 33 U.S.C. § 1321(c), including the authority to:

8  
9             i) remove or arrange for the removal of a discharge,  
10          and mitigate or prevent a substantial threat of a discharge,  
11          at any time;

12  
13            ii) direct or monitor all Federal, state, and private  
14          actions to remove a discharge; and

15  
16            iii) determine when the removal is complete.

17  
18     6.2   Absence of the EPA OSC from the Leroy 2 Site shall not be  
19     cause for stoppage of work unless specifically directed by the  
20     EPA OSC.

21  
22     **7.    ACCESS TO PROPERTY AND INFORMATION**

23  
24     7.1   Respondent shall provide access to employees, contractors,  
25     agents, consultants, designees, and representatives of EPA or of  
26     any agency of the State of California as follows:

27  
28            (a) Respondent shall provide and/or obtain access to the  
29          Leroy 2 Site and to any off-site areas to which access is deemed  
30          necessary by EPA or any agency of the State of California to  
31          implement this Order.

32  
33            (b) Respondent shall provide access to all records and  
34          documentation related to the conditions at the Leroy 2 Site and  
35          to any actions conducted pursuant to this Order.

36  
37  
38     **8.    REPORTING & RECORDKEEPING**

39  
40     8.1   Within seven (7) calendar days of EPA's approval of the  
41     Work Plan, and every seven (7) calendar days thereafter until all  
42     of the activities specified within the Work Plan are completed,  
43     Respondent shall submit a written weekly summary report to the  
44     EPA OSC, OSPR, and the RWQCB.  These weekly summary reports shall  
45     contain a summary of the previous week's activities (including  
46     all actions performed, any problems encountered, and actions  
47     taken to resolve any problems), as well as developments  
48     anticipated for the coming week (including anticipated  
49     activities, anticipated problems, and planned resolutions for  
50     anticipated problems).

1 8.2 Within thirty (30) calendar days of completion of the  
2 activities outlined in the Work Plan, Respondent shall submit a  
3 report describing the implementation of the Work Plan to EPA,  
4 OSPR, and RWQCB. The report shall describe, reduce, and display  
5 data, including tables and maps, to document the work performed  
6 by Respondent. The report shall include a detailed description  
7 of the source control and repair activities, all waste handling  
8 techniques (including documentation of the final disposition of  
9 all generated wastes), and a summary of any variances from the  
10 Work Plan. The final report shall also include the following  
11 certification signed by a person who supervised or directed the  
12 preparation of the report:

13  
14 Under penalty of law, I certify that to the best of my  
15 knowledge, after appropriate inquiries of all relevant  
16 persons involved in the preparation of the report, the  
17 information submitted is true, accurate, and complete. I am  
18 aware that there are significant penalties for submitting  
19 false information, including the possibility of fines and  
20 imprisonment for knowing violations.

21  
22 8.3 EPA reserves the right to require any revisions or  
23 modifications of any reports required by this Order.

24  
25 8.4 The reports required by this Order shall be directed as  
26 follows:

27  
28 a. Reports to the EPA shall be submitted to:

29  
30 Christopher Weden  
31 U.S. EPA On-Scene Coordinator  
32 75 Hawthorne St. M/S H-8-3  
33 San Francisco, California 94105  
34 Tel.: (415) 744-2291  
35 Fax: (415) 744-1916  
36

37 b. Reports to OSPR and to the RWQCB shall be to the persons  
38 designated by them; until such time as these agencies designate  
39 otherwise, reports to OSPR shall be directed to Steve Sawyer, and  
40 reports to the RWQCB shall be directed to Lou Blanck.

41  
42 8.5 Respondent shall preserve all documents and information  
43 relating to work performed under this Order, or relating to any  
44 oil found on or released from the Leroy 2 Site, for ten years  
45 following completion of the removal actions required by this  
46 Order. During this ten year period, Respondent shall provide EPA  
47 with copies of such documents or information upon the Agency's  
48 request. At the end of this ten year period, and thirty days  
49 before any document or information is destroyed, Respondent shall  
50 notify EPA that such documents and information are available to

1 EPA for inspection, and Respondent shall provide EPA with the  
2 originals or copies of such document or information upon the  
3 Agency's request.  
4  
5

6 **9. RESERVATIONS OF RIGHTS**  
7

8 9.1 Except as specifically provided in this Order, nothing  
9 herein shall limit the power and authority of EPA or the United  
10 States from taking, directing, or ordering all actions necessary  
11 to protect public health or welfare of the United States, or to  
12 prevent, abate, or minimize an actual or threatened release of  
13 oil, hazardous substances, pollutants or contaminants, or  
14 hazardous or solid waste on, at, or from the Leroy 2 Site or any  
15 other facility. The United States and EPA expressly reserve the  
16 right to perform its own studies, complete the removal action (or  
17 any portion of the removal action), and seek reimbursement from  
18 Respondent for its costs, or seek any other appropriate relief.  
19 Nothing in this Order shall prevent EPA from seeking legal or  
20 equitable relief to enforce the terms of this Order, or from  
21 taking other legal or equitable action as it deems appropriate  
22 and necessary.  
23

24 9.2 Nothing herein shall preclude EPA from taking any additional  
25 enforcement actions, including modification of this Order or  
26 issuance of additional Orders, or from otherwise requiring  
27 Respondent or any other person to perform any additional  
28 activities in the future pursuant to the CWA or any other  
29 applicable law. The United States expressly reserves all of  
30 its rights to issue additional orders or to take any other action  
31 it deems necessary to protect the public health and welfare of  
32 the United States.  
33

34 9.3 Notwithstanding any provision in this Order, the United  
35 States hereby reserves all of its information gathering,  
36 inspection and enforcement authorities and rights under any and  
37 all applicable statutes and regulations.  
38

39 9.4 Nothing in this Order is intended to preclude or affect the  
40 United States' rights to make or pursue any claims with respect  
41 to natural resource damages, or any other damages.  
42

43 9.5 The United States reserves the right to bring an action  
44 against the Respondent under Section 311(f) of the CWA, 33 U.S.C.  
45 Section 1321(f), Sections 1002 and 1015 of the Oil Pollution Act,  
46 33 U.S.C. Sections 2702 and 2715, or any other applicable law,  
47 for recovery of any response costs incurred by the United States  
48 related to this Order or the Site and not otherwise reimbursed by  
49 the Respondent.  
50



1 9.6 Notwithstanding any provision of this Order, EPA reserves  
2 the right to assess administrative penalties pursuant to Sections  
3 311(b)(6) or (7) of the CWA, 33 U.S.C. § 1321(b)(6) or (7), or  
4 any other applicable law.

5  
6 9.7 Nothing in this Order shall limit the authorities of the EPA  
7 OSC, as outlined in the NCP.

8  
9 9.8 Respondent's participation in this Order shall not  
10 constitute or be construed as an admission of liability or of  
11 EPA's findings, statements, conclusions of law or determinations  
12 contained in this Order.

13  
14  
15 **10. DELAY IN PERFORMANCE**

16  
17 10.1 Any delay in performance of this Order that, in EPA's sole  
18 discretion, is not properly justified by Respondent under the  
19 terms of this Section shall be considered a violation of this  
20 Order. Increased costs or expenses associated with  
21 implementation of the requirements of this Order shall not be a  
22 justification for any delay in performance. Any delay in  
23 performance of this Order shall not affect Respondent's  
24 obligations to fully perform all requirements of this Order.

25  
26 10.2 Within twenty-four hours after Respondent first has reason  
27 to believe that a delay in performing any requirement of this  
28 Order may occur, Respondent shall telephone the EPA OSC, OSPR,  
29 and the RWQCB to notify them of the delay or anticipated delay.  
30 Respondent shall adopt all reasonable measures to avoid or  
31 minimize such delay. Within five (5) days after Respondent  
32 provides the initial telephone notification, Respondent shall  
33 provide a written notification to the EPA OSC, OSPR, and the  
34 RWQCB fully describing the nature of the delay, any justification  
35 for the delay, the measures taken or planned to minimize the  
36 delay together with a proposed schedule for implementing such  
37 measures, and any reason why Respondent should not be held  
38 strictly accountable for failing to comply with any relevant  
39 requirements of this Order.

40  
41  
42 **11. PENALTIES**

43  
44 11.1 Violation of any term of this Order, or any oral direction  
45 from an EPA OSC, may subject the Respondent to an administrative  
46 civil penalty of up to \$25,000 per day of violation or an amount  
47 up to three times the costs incurred by the Oil Spill Liability  
48 Trust Fund as a result of such failure under Section 311(b)(7)(B)  
49 of the CWA, 33 U.S.C. § 1321(b)(7)(B).  
50

12. REIMBURSEMENT OF OVERSIGHT COSTS

12.1 Respondent shall reimburse the United States for all response costs incurred by the United States in overseeing and monitoring Respondent's implementation of the requirements of this Order, and in any way associated with the event which is the basis for this Order, including, but not limited to, the following: 1) the review or development of plans, reports, and other items pursuant to this Order; 2) the oversight, monitoring, and verification of work performed by Respondent(s) pursuant to this Order; 3) efforts to secure access to any property to which access is required for the performance of the work pursuant to this Order; and 4) review and compilation of cost documentation to support oversight and costs demands. These response costs shall include, but are not limited to, past costs, direct costs, indirect costs, costs of monitoring, and accrued interest as provided in Section 311(f) of the CWA, 33 U.S.C. § 1321(f), and Section 1005 of the OPA, 33 U.S.C. § 2705. The United States will send Respondent one or more demand letter(s) for payment of such costs.

12.2 Respondent shall make all payments to the United States for its response costs in the form of a cashier's check. Payments shall be designated as "Response Costs - Unocal Guadelupe Leroy 2 Site" and shall reference the payor's name and address, the EPA Site Identification Number (43P09K010), and the docket number of this Order (96-03). Checks should be made payable to the U.S. Coast Guard and forwarded to the following address:

United States Coast Guard - Oil Pollution  
Re: FPN - (using the number provided in the demand letter)  
Philadelphia, PA 19175-7615

Respondent shall simultaneously transmit a copy of the check to the EPA OSC.

12.3 Payment shall be made within thirty days of Respondent's receipt of demand for payment. In the event that any payment required by this Order is not timely made, Respondent shall pay interest on the unpaid balance at the rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 C.F.R. § 102.13. Respondent(s) shall further pay: (1) a handling charge of fifteen dollars (\$15.00), to be assessed at the end of each thirty (30) day period during which a payment due hereunder is late, and (2) a six percent (6%) per annum penalty charge, to be assessed if Respondent has not paid in full within ninety (90) days after the payment is due. Payments made under this paragraph shall be in addition to such other remedies or sanctions as are available to the United States by virtue of Respondent's failure to make timely payments under this Order,

1 including, but not limited to, the sanctions set forth in Section  
2 311(b)(7)(B) of the CWA, 33 U.S.C. § 1321(b)(7)(B).  
3  
4

### 5 13. OTHER CLAIMS

6

7 13.1 By issuance of this Order, the United States and EPA assume  
8 no liability for injuries or damages to persons or property  
9 resulting from any actions or omissions of Respondent, its  
10 successors, assigns, directors, officers, employees, contractors,  
11 agents, consultants, designees, or representatives. Neither the  
12 United States nor the EPA shall be deemed a party to any contract  
13 entered into by Respondent, its successors, assigns, directors,  
14 officers, employees, contractors, agents, consultants, designees,  
15 or representatives.  
16

17 13.2 Nothing in this Order shall constitute a satisfaction of or  
18 release from any claim or cause of action against the Respondent  
19 nor against any other person, for any liability such person may  
20 have under the CWA or any other applicable statutory or common  
21 law, including but not limited to any claims of the United States  
22 for penalties, costs, damages, and interest.  
23

### 24 14. OPPORTUNITY TO CONFER

25

26 14.1 Within seven (7) days after issuance of this Order,  
27 Respondent may request a conference with EPA. Any such  
28 conference shall be held within thirty (30) days after the  
29 effective date unless extended by agreement of the Respondent and  
30 the EPA.  
31

32 14.2 At any conference held pursuant to the request, Respondent  
33 may appear in person or be represented by an attorney or other  
34 representative. If a conference is held, Respondent may present  
35 any information, arguments or comments regarding this Order.  
36

37 14.3 Regardless of whether a conference is held, Respondent may  
38 present any information, arguments or comments in writing to EPA  
39 within twenty-one (21) days after the effective date of this  
40 Order.  
41

42 14.4 The conference available pursuant to this Section is not an  
43 evidentiary hearing, does not constitute a proceeding to  
44 challenge this Order, is not a final agency action, and does not  
45 give Respondent a right to seek review of this Order.  
46

47 14.5 Requests for a conference, and any written submittals  
48 pursuant to this Section, shall be directed to:  
49  
50

///  
50

1 Arthur L. Haubenstock  
2 Assistant Regional Counsel  
3 U.S. EPA Region IX  
4 75 Hawthorne St., M/S RC-3-3  
5 San Francisco, California 94105  
6 Tel.: (415) 744-1355  
7 Fax: (415) 744-1041  
8  
9

10 **15. NOTICE OF INTENT TO COMPLY**

11  
12 15.1 Not later than five (5) days after the effective date of  
13 this Order, Respondent shall provide written notice to the EPA  
14 OSC stating whether it will comply with the terms of this Order.  
15 If Respondent does not unequivocally commit to perform the  
16 requirements of this Order, it shall be deemed to have violated  
17 this Order and to have failed or refused to comply with this  
18 Order.  
19

20 15.2 Respondent's written notification pursuant to this Section  
21 shall include the name, title, address, telephone number, and fax  
22 number for the person designated by the Respondent to be its  
23 point of contact for the EPA OSC.  
24

25 15.3 The absence of a response by EPA to any assertions included  
26 in Respondent's notification shall not be deemed to be an  
27 acceptance of any such assertions.  
28

29 **16. EFFECTIVE DATE**

30  
31 16.1 The effective date of this Order shall be the date of the  
32 receipt of this Order by the Respondent.  
33

34 **17. SEVERABILITY**

35  
36 17.1 If a court finds that any provision (or portion thereof) of  
37 this Order is invalid, or that Respondent has sufficient cause  
38 not to comply with any provision (or portion thereof) of this  
39  
40

///

1 Order, Respondent shall remain bound to comply with all other  
2 requirements of this Order not affected by the court's  
3 determination.  
4  
5  
6

7 It is so ordered.  
8  
9

10  
11 BY: Donald C. White DATE: 11/21/95  
12  
13

14 Donald C. White, Chief  
15 Planning and Response Branch  
16 U.S. Environmental Protection Agency  
17 Region IX  
18  
19  
20

21 I hereby certify that I am a representative of the Unocal  
22 Corporation, duly authorized to accept this Order and to agree to  
23 its provisions of this Order on behalf of the Unocal Corporation.  
24  
25  
26

27 BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
28 (name)  
29  
30

31 \_\_\_\_\_  
32 (title)